№ 22 (46)
November 1999

The Right to Freedom

The Bulletin of the Human Rights Centre "Viasna-96"



Minsk, November 24, 1999.

SORROW AND SOLIDARITY

A coup d'etat took place in Belarus three years ago on November 24, 1996 with direct participation of "peace-keepers" from Russia with Victor Chernomyrdin and Guenadii Seleznev at head. Alexander Lukashenka dismissed the elected parliament and exceeded his term of office as a president of the Republic of Belarus for five years more. The opposition decided to stage an Alive wall of Freedom on that black day in Belarusan contemporary history. It was planned to hold an action called "Hour of sorrow and solidarity". Around 2.000 people came to Skaryna Avenue with lighted candles and flash-lights on 24 November in the evening. People made up an alive chain, which covered the distance between Yakub Kolas Square and the cinema "Kastrychnichk" (October). It was very cold. The frost was added by strong wind. Minsk City Executive Committee again didn't authorise an action to be held in the down town and directed organisers and participants of the action to the "reservation" – to Bangalor Square. That's why militia men all the time were saying in the loud-speakers from militia cars that "this action is not authorised", which meant that it was pregnant with consequences. But those who were not afraid of severe cold and came to Skaryna Avenue to show their sorrow and solidarity passed all the tests. This action lasted one hour.

After action the militia detained six people. They were Tsimafei Dranchuk, Igar Varantsow, Alyaksei Mauchanski and three minors. There was unusually few number of the detained taking into account that there were a lot of people with so hated by the authorities white-red-white flags and slogans "Russia is war?"

Anti-Russian slogans appeared not accidentally. It was scheduled to sign the unification treaty between Belarus and Russian Federation on November 26. That evening the signing was accepted by people quite seriously because nobody even got an idea about possible postponement of the signing due to Yeltsin's ailment. That's why they gathered together to show their protest against this unification. By the way, when the official Belarusan TV asserts that only 3 per cent of Belarusan citizens are for this unification, still the independent reviews of the public opinion are comple-tely different: 35 per cent are "for", and 37 are "against"... While "for" are the elder people and "against" is the youth.

"Hour of sorrow and solidarity" proved that in spite of intimidations and repressions from the authorities part Belarusan opposition has a big potential. There will be next Freedom Marches. And at the end of the winter when the spring come nothing will hold people from participation in the actions of protest: neither the weather nor the fear...

Andrey NALIVA

CHRONICLE

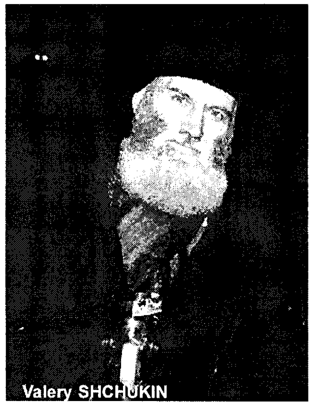
On 15 November, **A.Lukashenka extremely negatively assessed the document on Belarusan opposition access to the state-run mass media, which was signed during round-table talks between the authorities and opposition. Making a speech during a meeting devoted to the participation of Belarus' delegation in the summit of the Organisation on Security and Cooperation in Europe in Istanbul Alexander Lukashenka said that this document contradicts every civilised norm. When saying that he referred to the foreign experience: "In Great Britain, for instance, there are such party editions that cover the policy run by particular political party, let say Labour Party and Conservative one. And nobody there says about Labour Party pretensions to mass media belonging to Conservatives and vice versa".**

On 15 November, **prominent lawyer Gary Paganyaila brought an action against President's Administration and Uladzimir Matskevich particularly, chairman of the Committee for State Security (KGB). The reason was as follows: a piece of news transmitted on TV-program "Panarama" on 30 August said, "... an inter-departmental commission headed by the chairman of the Committee for State Security Uladzimir Matskevich was created by the order of the President of the Republic of Belarus. Leading lawyers and specialists in the field of law were included to this commission. The objectives of aforementioned commission are preparing documents of so called "loud criminal cases" for the head of state and expressing its own opinion about not only the outcomes of investigation but the course of investigation". Gary Paganyaila believes that a new anti-constitutional body was created to compete the Prosecutor General and lower ranking prosecutors.**

(to be continued on p.p. 6-7)

Valery Shchukin

"Beating up the Opposition members became a norm for the Authorities..."


Valery SHCHUKIN

The Minsk prosecutor's office instituted numerous criminal proceedings after the events, which took place in Minsk on 17 October after the Freedom March. Working group of inquiry was set up to investigate the clashes between the Freedom March participants and special militia troops. As we have already reported six people were arrested as a result of the investigation. They are accused of breaking the article 186.3 of the Criminal Code of the Republic of Belarus – "organisation or active participation in the mass actions, which break social order". Valery Shchukin, deputy of the Supreme Soviet of the 13th convocation, prominent human rights activist, and reporter of the newspaper "Narodnaya Volya" was arrested under this accusation. He is likely to face an imprisonment up to three years, corrective works up to two years or a fine. Today Valery SHCHUKIN has answered the questions of "The Right to Freedom" reporter.

— Valery Alyakseevich, as it's known, you were one of the declarants of the Freedom March. Don't you think that this fact caused such a strict reaction of the law enforcement agencies toward you?

— I think there is no even a corpus delicti in my actions. One thing is a declarant of a demonstration, another one is an organiser of it... I'd like to point out that during my detention series of violations took place on the part of the authorities: illegal detention, beating up, illegal arrest and etc. Generally speaking there is nothing to be surprised at. Such a behaviour become a norm for the authorities long ago.

— Could you tell us, please, in detail how they arrested you? Is it true that militiamen from four charge offices detained you?

— Yes it is. A divisional inspector came to my daughter on the next day after the Freedom March. He was curious to find out where I was and when usually I back home. He also asked neighbours about myself. Then he gave a subpoena to my daughter "inviting" myself to appear in the Minsk Frunzenski Administration of Internal Affairs. Next day I phoned him from my working place and asked him to explain me the reason of calling me to the Administration of Internal Affairs. He quietly told that he wanted to clear up my residence.

A militia lieutenant from the Leninski Administartion of Internal Affairs showed up in the editorial office in an hour time after my phone to the divisional inspector and asked me to follow him. When I refused to follow him he gave me a writ to the Maskowski Administration of Internal Affairs. Then I was taken to the Administration of Internal Affairs of the Frunzenski district. Where I was literally twisted because what they did with me difficult to call otherwise. After that I was driven to the Savetski Administration of Internal Affairs where I was officially detained under article 119 of the Criminal Code of the Republic of Belarus.

Thus, as you can see, militia representatives of four Minsk charge offices (Leninski, Maskowski, Savetski, and Frunzenski) were involved in the detention process of Valery Shchukin.

To repeat it: the detention itself was carried out with numerous violations of any legal and other procedures.

To take testimonies or explanations is enough to sue a person. If he or she didn't show up then a prosecutor or a chief of the department make a decision about forcible delivery of a man to the charge office or to the court. In my very case having written a subpoena they by force convoyed me to the Administration of Internal Affairs of Frunzenski district.

On the road to the charge office they heavily beat me up. Ten days have already passed since that moment but my back still pains.

— Do you know the names of that people?

— No, I don't know. They dragged me by force. So, it was impossible to make out even the ranks not saying about asking their names. Then the officer on duty kicked me and after that threw to the custody cell. Some minutes later the head of the charge office came and told politely to follow him. In his study an investigator was already waiting for me. As we came he got down to drawing up needed papers. I said that I have a lawyer and according to the Constitution of the Republic of Belarus I have the right both to the legal assistance and defence in any state body and at any time. Thus, I was refused to exercise my constitutional right to legal assistance. After that I required a lawyer. The investigator was forced to get in touch with the lawyer. But the lawyer was busy and they were left nothing but to postpone the interrogation till the next day and to drive me to the custody centre. In the custody centre I spent three days. They brought me a verdict under the article 186.3 of the Criminal Code of the Republic of Belarus and transferred me to the isolation ward based on Valadarski Street.

As I know the law it helped me. But majority of people who find themselves in a such situation for the first time are usually pressed and deprived of any legal assistance.

After interrogations, which were carried out by the deputy prosecutor of Minsk city, I was brought a verdict – an arrest.

So, I was kept in the isolation ward for two weeks. And nobody wanted to get to know the details of my participation in the action on 17 October. They were curious only about the names of those who were next to me...

After two weeks I spent in the custody centre and in the isolation ward I was released on the written pledge not to flee...

Interviewed by Andrey YUREVICH

P.S. In addition to what was already said it should be mentioned that the deputy's immunity of Valery Shchukin was violated again. His detention and arrest were not sanctioned as it is required by the law by the legitimate Supreme Soviet of the 13th convocation.

To defend the Independence

Series of unauthorised pickets to show a protest against signing the unification treaty between Belarus and Russian Federation and formation of the Union State were conducted in Grodna by the local organisations of the Belarusan Popular Front and the Belarusan Social Democratic Party. Pickets were held under following catchwords: "To the occupation of Belarus – No!" "Belarus – is our castle" "Hands off from Belarus!"

Claims for conduction of the twelve pickets in the different places of the city were submitted already on 4 November. But the city authorities rejected them. Mikola Voran, Ales Mikhalchyk, Ales Astrowski, Mikhas Patreba, and brothers Valyantsin and Ales Askirka were detained by the local militiamen and those of the KGB.

Ales Mikhalchyk and Ales Astrowski were kept in custody till November 22, in three hours after detention the rest of the detained were released on the day of detention.

On November 22 the participants of the actions stood trials. Ales Astrowski, professor of medicine, doctor of medical sciences, got two days in detention, which he had already severed in pretrial detention...

Our correspondent

Two-year suspended sentence for staging a performanse...

"I was in a good mood after my arrest because I made everything I wanted to make":
A. Pushkin (from his evidence).

On the 24th of November one more political process started in the Belarusan capital. The court of the Leninski district examined the criminal case of the famous painter Ales Pushkin. Being a bit too early we would say that the case was examined very quickly. It took just a couple of hours. Nevertheless judge Syargei Khrypach appointed the afternoon of the next day as the time the

The lawyer Larysa Atamanchuk and public defender from the "Viasna" Barys Gyunter were defenders of Ales Pushkin. Speaking about the judges we want to say that near the chairman judge Khrypach 2 not only very silent but also very old people were sitting. They used to say about such people that "they saw Lenin himself."

A cart of dung is "especial cynicism"...

The history of the process in Leninski district court is very well known. On the 21st of July when the term of Lukashenkas' presidency ended the photos with Pushkins' action went all over the world. The authorities translated the actions of the painter to the native language. This is the language of criminal code. Ales Pushkin was accused of two criminal activities, hooliganism and humiliation of state symbols. Speaking by the words of the conviction protocol "on the 21st of July1999 Ales Pushkin brought a cart with dung and put it near the main entrance of the presidential residency. The state flag emblem and the portrait of the president were lying under the dung and there was a note on the carriage saying: "For 5 years of hard work."

As my colleagues mentioned later the accused took a very courageous position during the trial. The tactics of Pushkin consisted of mentioning such small details of the action that the representatives of the regime forgot them. The artist underlined the importance of the 21st of July as an end of Lukashenkas' presidency and his desire to express protest on behalf of a very big part of Belarusan society. He had no intention to offend anyone's feelings and as an artist by profession and by nature he could not express protest in a violent way. As well as he could not keep silent.

"The hand writing of Belarusan opposition is not blood and war but such highly artistic actions", said Ales, mentioning tragic events in the parliament in Armenia and other tragic examples. Even after such a peaceful action of protest as bringing a carriage with dung to the presidential palace, Pushkin visited the church as soon as possible. He said that he confessed his sin to the priest in the church in his hometown Bobr, Minsk region. So, why doesn't someone who is accused by the regime plead guilty in the trial but asks God to forgive his sins? It says that he wants this because during his action people with different opinion could gather around him and they might have started fighting.

Ales Pushkin did not conceal that he started preparing his action a long time before the 21st of July. Some people in Minsk helped him. Pushkin lives in the Krupski district, Minsk region. The painter didn't tell the names of the people who helped him. Many people were impressed by the openness with which the painter and his friends brought the carriage to the Yanka Kupala Theatre, which is situated not far from the presidential residency. The driver of the car who didn't know what he was bringing was a bit scared while approaching Karl Marx Street, 48.

"Being a law obeying citizen I accept the victory of Lukashenka in the elections of 1994 but I can't agree with the results of the referendum and the prolonging of his presidential term. Moreover if you want to build a country and in 5 years you only manage to create something that can be put in a carriage with dung don't take the job", said Pushkin during the process.

"Hands off zone" or the evidence of the militia

Exactly half of the witnessing militiamen, 2 out of 4, did not come to the trial. With permission of the defendant they were not pushed to come. There was enough evidence without them. Ales Pushkin himself was underlining the militiamen were speaking the absolute truth. It was felt that the militiamen had sympathy for the painter-patriot. They were as if afraid to say more than necessary and to bring harm to the defendant.

The first from the guards of the residency, Victar Famenka saw the group of journalists that were taking pictures and were recording something on video. A.Pushkin had informed about his action beforehand. The



Ales PUSHKIN

guard was so shocked by the carriage of dung near the residency that he couldn't even remember the details. The reason for the arrest was the attempt to get into the residency. The painter crossed the line and entered the zone that people are forbidden to enter near the building of the presidential residency. The second witness, Genadz Mitsyaga who was in charge of the guards on the 21st of July described the guilt of the painter in the following way: "Though Pushkin crossed the line and violated the instruction of the defence he didn't violate the law." If Ales had made this action 20-30 meters further from the residency near Yanka Kupala Theatre there would be no accusation of hooliganism. As the main objective of the action the militiaman mentioned the wish of the painter to attract attention of the passers by and have some sort of response. They did not see any cynicism in this action.

"Not a crime, but a masterpiece"

Though the court rejected carrying out an artistic expertise concerning the action of Pushkin the court listened to an art connoisseur.

Victar Pyatrow, who is studying the performance of "public artistic action", considers the action of the accused painter to belong to the genre. The performance of Ales has a political contest but the artist has the right to depict not only his fantasy but also

(To be continued on p. 7)

"Democratic changes in Belarus are a question time..."

In November the conference on the effectiveness of legal assistance to the population and on guarantees of the lawyers work security took place in Minsk. The US assistant secretary of state on democracy, human rights and labour, Harold Koh, took part in the conference, we lay his speech on this conference before the readers.



I came to Minsk from Turkey, Istanbul, where I spent several days discussing the questions of human dimension or Human Rights by the Organisation on Security and Cooperation in Europe. I did this within the framework of the preparation meeting organised by the OSCE. Yesterday's meetings coincided with the 10th anniversary of one of the most important points in the history of the struggle for human rights and freedom: the fall of the Berlin Wall. This event meant the end of the totalitarian regime for the biggest part of Europe. Though the meetings in Istanbul took place in Kiragansk Palace the discussion reminded me of the talks we had in my family during dinner when I was a small boy. My father Kwang Lim Koh was a lawyer and an active participant in the democratic movement. For some time he represented South Korea as a diplomat but when the democracy was abandoned as a result of the military coup d'etat he had to go to the United States where I grew up. In the family I felt and learnt to respect some of the most important values of my parents, such as human rights, respect for the freedom of other people, democratic decisions and the supremacy of law.

> ***...return of ambassador Speckhard doesn't mean an improvement of the relations between our countries. The relations can not and will not be improved unless the authorities of Belarus make concrete steps for the sake of the settlement of democratic norms, respecting the human rights and the supremacy of law...***

Such informal talks are the background of the democratic society, it doesn't matter if they take place in the family in America or during the conference in Belarus. Eleanor Roosevelt, who played a very important role in the creation of the Universal Declaration of Human Rights, understood the role of such talks very well. She said that the human rights start with small things. They start near your own house in places so small and so near that you can not find them on the map. They start in the small district where the person lives, in the school and college where he studies, in the factory, farm or office where he works. These are the places where every man, every woman, every child strives for justice, strives for equal opportunities, for absence of discrimination and for their own dignity. If these values are not accepted in these surroundings they won't be accepted in other places.

Unfortunately these universal values that are accepted by many people are still contested very often. Too many authorities continue to deprive their citizens from the right to choose their authorities, the leaders of the countries who speak about democracy are falsifying the results of the elections and are at the same time shutting up their opponents and censor the press. In spite of half a century of history of the Universal Declaration of Human Rights and other international agreements they continue to look for ways of destroying, of oppressing the development of a democratic society, human rights and the supremacy of law. The United States are really concerned about the situation with human rights in Belarus. In connection to this country we have chosen the policy of selective contacts by limiting the amount and level of contacts and by keeping our relations and contacts with the democratic forces, the independent media and non-governmental organisations at the same time. We have stopped all the assistance to the authorities except for humanitarian help to the institutions of health and education.

As you know ambassador Speckhard came back in September after the settlement of the conflict connected with the violation by the Belarusan authorities of the Vienna convention principles about diplomatic residencies. I want to assure you that the return of ambassador Speckhard doesn't mean an improvement of the relations between our countries. The relations can not and will not be improved unless the authorities of Belarus make concrete steps for the sake of the settlement of democratic norms, respecting the human rights and the supremacy of law.

What do we mean saying about concrete steps? How can your country demonstrate its democracy? I would point to 4 main things: the freedom of speech, conscience, civic society, supremacy of the law and knowledge of citizens.

> ***... in Belarus those who decided to say the truth to the authorities are risking their freedom and even life...***

Let's start with the freedom of speech. My country knows by its own hard experience that the settlement of democracy is a long and complicated process during which nothing is achieved without struggle. Democracy can not be pushed from the top. People should come the long way to democracy themselves... The regime in Belarus wants to strangle the democracy. It used anti-constitutional methods to change the constitution of the country and then the changed constitution was used to change the legal democratic institutes. The legitimacy can be revived only through free and just democratic elections that should allow the participation of all sides with the same equal background and resto-

ration of so-called "check-and-balances" system.

The second important element is civic society. Fulfilment of the democratic principles means more than just elections and referenda. A slow movement towards democracy in many countries showed that elections can't be looked upon as the final aim. They can only be seen as means of creating a political system that allows the development and self-realisation of its citizens as a result of increased and defended political and social rights. Democracy demands complete settlement of civic society: the diversion of political parties, independent trade unions, independent media, non-governmental organisations, women movements, clubs and units that attract people to take part in the social and political life. The organisations that are represented here by you are very important means of peoples' free expression of their dissatisfaction with the "politics in the old way". Many authorities try to limit the civic society or completely destroy it because of its' importance...

...arrests, disappearances and flights made the atmosphere of fear that exists in Belarus even more tense. They showed that citizens who are against the authorities are under serious threat...

Those of you who decided to say the truth to the authorities are risking their freedom and life. Former Prime-minister Mikhail Chygir, the deputies of the 13th convocation Anatol Lyabedzka and Valery Shchukin, the leader of the Social Democratic Party Mikola Statkevich, these are only some of the big amount of opposition politicians that were punished with prison for their expression of their political views. Many of them were imprisoned for a long term without any charges. Others as Victar Ganchar, Yuri Krasowski, general Yuri Zakharanka and Tamara Vinnikava disappeared. Some of them such as Syamion Sharetski and Zyanon Pasnyak left the country afraid for their safety. All together all these arrests, disappearances and flights made the atmosphere of fear that exists in Belarus even more tense. They showed that citizens who are against the authorities are under serious threat. The USA as well as the UN and the OSCE call the Belarusan authorities to free those who were arrested exercising their right to freedom of speech and to respect the internationally accepted human rights and main freedoms including the freedom of speech.

...Courageous human rights activists speak for those who can not defend themselves. In the last century Belarusan patriots were fighting for our and your freedom and today Belarusan human rights activists are fighting for universal rights. The authorities followed open criminal cases or cancelled licenses of individual lawyers such as Vera Stramkowskaya, Nadzeya Dudarava, Gary Paganyaila and Mechyslaw Gryb who were defending citizens in political cases. We call the regime of Lukashenka to stop the prosecution of human rights activists and to respect and preserve the right to freedom of speech and freedom of association. My government appeals to the Belarusan authorities to cancel the presidential decree № 12, to restore the licences of Gary Paganyaila, Nadzeya Dudarava and Mechyslaw Gryb to run lawyer's activity and to create conditions for normal work of individual lawyers and private law companies...

The third important part of real democracy is the supremacy of the law. History shows that the supremacy of law helps to create a stable economic development, a struggle with corruption, social stability and peace, it helps to create important space and conditions for individual political and economic activities. The supremacy of law gives an opportunity to every citizen to demand a report from the leaders of the nation and from state as well as private institutions...

In the countries of real democracy the presence of free minds and well-informed electorate is the force that limits such a spreading of executive power. Only free media, printed and electronic, guarantee the access of citizens to information necessary for making political decisions. If the government can control information or limit the freedom of press it can as a rule influence the elections turnout, create obstacles for the development of civic society and govern the court-system. All over the world the journalists bring truth to the people even if they are risking prosecution, arrest, imprisonment or even murder. In Belarus the authorities are fighting with criticism by setting limitations on the media. Even the access to Internet is limited by the state providers. This measures did not stop the efforts of such journalists as Pavel Zhuk and Pavel Sharamet who were prosecuted and even imprisoned for their decision to tell the truth. It is not surprising that three years running the USA non-governmental organisation "Committee for the defence of journalists" has put the Belarusan regime among the ten biggest enemies of the press.

...if the government can control information or limit the freedom of press it can as a rule influence the elections turnout, create obstacles for the development of civic society and govern the court-system...

In general words the present leaders of Belarus have bordered the country from the worlds' democratic development. They violate the freedom of speech, the principles of civic society, the supremacy of law and they deny access of the citizens to information, they violate all that which characterises a real democratic government. Because of the constant character of these problems and not because of separate cases I am in Belarus now.

Just 10 years ago at the height of the cold war many people doubted that we would ever see the fall of the Berlin Wall. We saw that it did happen.. Some people have doubts that we will see a really democratic Belarus very soon, but history teaches us that democratic changes in Belarus are just a question of time. I will wait for the day when in the nearest future we will all gather in Minsk to celebrate the changes.

Minsk, November 10, 1999

The USA congress is concerned about Belarus

In November during the summit of the OSCE in Istanbul the US congress adopted a very harsh resolution that blames the present regime of Belarus. Congressmen summoned for the urgent beginning of the dialogue between the government and the Consultative group of opposition political parties on restoration of the democratic government in the country. They demanded the Belarusan leader to respect the rights of all citizens and to keep his promise to have free and just parliament elections in the year 2000. Moreover the congress supported the call of the Consultative group of opposition political parties for the government and Federal Assembly of Russia to stop support of the Lukashenka's regime. The congressmen insisted that Bill Clinton continued the financial support of the trips of Belarusan opposition leaders to the USA and the activity of non-governmental organisations in Belarus... Senator Durbin underlined that in November 1996 Lukashenka imposed a new constitution to the country that destroyed the democracy that was just developing and turned Belarus into a police state of the Soviet type.

Events Facts Comments

(Beginning on p.1)



Minsk, November 24, 1999. "Hour of sorrow and solidarity."

On 16 November, Syargei Posakhaw, plenipotentiary of the Republic of Belarus in the CIS institutions, referring to the head of Presidential Administration informed that signing of a unification treaty between Belarus and Russian Federation is scheduled on 26 November.

On 18 November, Ales Byalatski, chairman of the Human Rights Centre "Viasna-96", was detained at around 4 p.m. in the Central Administration of Internal Affairs. He and some other staff members of "Viasna-96" came there to take back Ales Byalatski's computer, which was illegally confiscated together with other equipment on 4 October from the centre's headquarters. It should be mentioned that equipment belonging to the USA and rented by "Viasna-96" is still under arrest. So, Ales Byalatski was detained and taken to the Savetski Administration of Internal Affairs. Ales Byalatski was one of the declarants of the Freedom March, which took place in Minsk on 17 October. And that's why he is charged under article 167.1 (part 2) of the Administrative Code of the Republic of Belarus (organisation of the unauthorised rally). Having kept Ales Byalatski in the Administration of Internal Affairs for three hours they drove him to the custody centre on Akrestsin Street. On 19 November a trial over A.Byalatski must have taken place. But interference of Belarusan opposition delegation in Istanbul forced the authorities to set Ales Byalatski free after keeping him one day in custody.

On 23 November, court hearings of the administrative case instituted against chairman of the Human Rights Centre "Viasna-96" began in the Minsk Savetski district's court. Ales Byalatski was charged with organisation of unauthorised rally after Freedom March on 17 October and not taking corresponding measures to preserve social order. While getting acquainted with the case materials, which were submitted to the court right before court hearings, it turned out that the charge sheet was drawn up with numerous mistakes. According to it Byalatski Alyaksei Victaravich was to blame (when the real name of the defendant is Byalatski Alexander Victaravich). More over it was not dated. But nevertheless judge Ina Sheika started the process. Ales Byalatski said that he was one of the declarants of the Freedom March on 17 October. But the Minsk City Executive Committee changed without grounds the form of the event. Instead of demonstration it permitted to conduct a meeting and transferred the place of conducting to the Bangalor Square. Ales Byalatski was a speaker during the meeting and there were no violations at all at that time. Ales Byalatski announced that the meeting was over and he proposed participants to go home. To the judge's question whether he felt responsibility for the developments after the meeting Ales Byalatski responded that he pleads not guilty and is confident it is authorities that must assume responsibility for what happened after the meeting. Ales Byalatski pointed out that the putting the militia barrage cordons itself caused people's aggressiveness. And nothing would happened if the column had gone to the Independence Square. It was not needed to beat up people said Ales Byalatski. And there is no excuses to the special militia troops actions. Ales Byalatski's lawyer asked to terminate the case as its materials were not evidence and they were fabricated by the militia. Judge Sheika didn't consent with it and put off court hearings till 26 November.

On 24 November, an action called "Hour of sorrow and freedom" was held in Minsk. It was dedicated to the anniversary of the 1996 constitutional overturn in Belarus. Six people were detained after the action, which lasted one hour from 18.00 to 19.00. Among them were Tsimafei Dranchuk (18 year old), Igar Varantsow (27, inhabitant of Zhodzina city), Alyaksei Mauchanski (29, entrepreneur). They were detained near the Victory Square by unknown people in civil and then brought to the Central Administration of Internal Affairs. They confiscated financial documents connected with business activities run by U.A.Mauchanski. That same evening three minors were detained on Yakub Kolas Square.

On 24 November, an opposition-organised action of protest against plans to sign the unification treaty between Belarus and Russian Federation was held in Grodna. About one thousand and five hundred people took part in this action. It was conducted in the form of rally. People walked along the central streets of the city with kindled lighters, candles and flash-lights. People cried out catchwords for Belarus independence, against policy run by A.Lukashenka. At the end of the action participants burned up some copies of the draft treaty going to be signed on November 26. Around 17.30 some participants of the action were detained. Among them were professor Ales Astrowski, member of the BPF "Adradzhennie" Council, Uladzimir Runge, member of the BPF, and Ales Zakharaw, member of the Conservative Christian Party BPF. They drew up a charge sheet on A.Astrowski. The latter is charged with organisation of this action.

On 24 November, an action of protest against unification treaty between Belarus and Russian Federation was held in Brest. The central street of the city saw 80 people with candles in the hands. Everything turned out without detentions.

On 24 November, artist Ales Pushkin stood trial in Minsk Leninski district court. he was accused under two articles of the Criminal Code of the Republic of Belarus – art. 201.2 (part 2) (malicious hooliganism with exceptional cynicism) and art. 86 (part 2) (disrespect and humiliation of state symbols). Public defender Barys Gyunter, representative of the HRC "Viasna-96", insisted on position that every-

thing done by the artist was nothing but art action. As a result of court sitting Ales Pushkin was brought the following verdict: two years of imprisonment with two years respite.

On 25 November, people detained after action "Hour of sorrow and freedom" stood trial in Minsk Central district court. I.Varantsow and A.Mawchanski were warned.

On 26 November, judge Anatol Barysionak considered the papers of the administrative case instituted against Ales Byalatski. Court hearings were held in the Minsk Central district court. Chairman of the Human Rights Centre "Viasna", Ales Byalatski, simultaneously is an editor-in-chief of the bulletin "The Right to Freedom". He was convicted of breaking the art. 172.1 (part 8) of the Administrative Code of the Republic of Belarus (unauthorised producing and spreading of published materials). From the papers submitted to the court by the prosecutor's office follows that a circulation of some issues of the bulletin "The Right to Freedom", which were illegally confiscated from the headquarters of the Human Rights Centre "Viasna", exceeds 300 copies what is nothing but the breach of the law on press of the Republic of Belarus. But while seizing the bulletins from the "Viasna" office and drawing up a charge sheet militiamen didn't mention the number of confiscated bulletins. One more charge sheet appeared during court hearings, which was drawn by militiamen in the location of the Central Administration of Internal Affairs. When this report was drawn up neither Ales Byalatski nor other staff members of "Viasna" were present. Given that Ales Byalatski stated that there were no proofs of abuse.

As a result of court sitting the judge Anatol Barysionak imposed a fine 10 minimum wages and ordered to wipe out the exceeding number of confiscated bulletins.

On 26 November, the signing of unification treaty between Belarus and Russian Federation was postponed due to Barys Yeltsin's ailment.

On 28 November, about 100 people were detained in the village Vyzna (Saligorsk district, Minsk region). They were participants of the trip to the places where the Slutsk armed rebellion took place in 1920. Every year members and supporters of the democratic parties mark the anniversary of the anti-Bolshevik armed rebellion in Slutsk. According to this year's schedule it was planned to stage a commemoration meeting in Slutsk and to lay a wreath on the building of the Nobility assembly, where a statement was announced that people the armed rebellion was made up of are the army unit of the Belarusan People's Republic. The meeting and laying the wreaths was conducted under strict supervision of the local militia and special militia troops from Minsk. After it the participants made for the village Vyzna lots of inhabitants of which were lost during the rebellion. It was planned to lay the wreaths and flowers on the place where the cross in the memory of the perished people used to stay. At the frontier between Slutsk district and Saligorsk one travellers were met by two militia cars, which were convoying people going to the village Vyzna. In Vyzna the buses with participants of the trip were stopped and people were offered by militiamen to go to the church by foot. And so it was done. Literally in some minutes Anatol Nizki, head of the Slutsk city militia, came up to the trip participants and blamed them of organising an unauthorised rally and meeting. After that he offered all participants to take their sits in the buses and follow the militia car. Thus, one hundred people were taken to Saligorsk to the charge office. As a result two charge sheets were drawn up. According to them Valyantsin Baranaw and Mikola Antsypovich (they booked the buses) were accused of organising an unauthorised rally and meeting. The representative of "Viasna" Barys Gyunter vainly tried to explain to Anatol Nizki that it was simply an ordinary trip and the latter has nothing in common with either rally or meeting. So, it was clear that the only thing important for the local authorities was to stop the "suspicious" trip and they perfectly succeeded.

On 30 November, former Prime Minister Mikhail Chygir was released from pre-trial detention on his written pledge not to flee from prosecution. Mikhail Chygir was arrested on March 30 during preparations for opposition-organised presidential elections, in which he was a candidate for presidential office. It goes without saying that Mikhail Chygir was released thanks to the pressure of international community on Belarusan authorities and first of all to the OSCE Advisory and Monitoring Group in Belarus. The trial over Mikhail Chygir according to official sources might take place in the near future.

Informational department of "Viasna-96"

TWO-YEAR SUSPENDED SENTENCE FOR STAGING A PERFORMANSE...

(Beginning on p.3)

reality. Pyatrow said that he saw similar things in Paris and that the history of the genre of performance has much more shocking examples. As to the Ales case one can only argue about the perception of this action, taking into account the different political views of the audience. Everyone who was near the residency of Lukashenka on the 21st of July remembers that some passers-by had positive attitudes to his action, some indifferent and only one woman who brought a complain to Lukashenka about one of the bureaucrats started an argument. In spite of the politeness and attentiveness of judge Khrypach one can predict his decision, it would be a big surprise if the regime found Ales not guilty. The painter received 2 years imprisonment with 2 years respite (suspended sentence). Some people think it is a victory, some think it is a defeat. This process is more than just a trial. It will be the trial of time and history. Maybe the boards with slogans "There are...days till the birthday of Pushkin" will appear in free Belarus earlier than in 200 years...



A.Pushkin in the coutroom.

Now we can only say Pushkin was accused only because of his own sincere evidence. The charge sheet of his arrest on the 21st of July was drawn up with numerous violations. The carriage and all the other things confiscated from him were not brought as evidence. None of the things are returned to the owner.

Tatsyana SNITKO

Ales Byalatski

Only Twenty Four Hours,

Or Report from the Charge Office

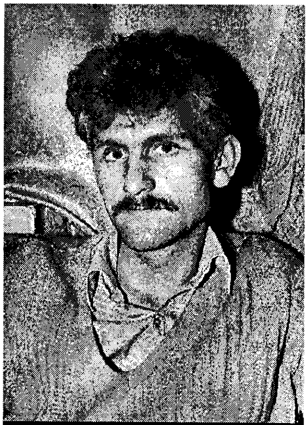
On November 17, on Thursday in the morning I phoned major Pruzan, head of the Social Order Department of the Minsk Central district. It was he who confiscated all the equipment from the office of the Human Rights Centre "Viasna" a month and a have ago. Previously we have agreed that my personal computer would be given back on that very day. After my persistent requests major had made an appointment in the afternoon. He said it in a rather hesitated voice. It picked up my ears but I referred it to his unwillingness to admit his own "failures".

I went to get the computer together with Victar A., who is charge of our equipment, and Ales D., the owner of the car. Before it Victar had been expressing dissatisfaction: "It won't do. The militiamen have confiscated our equipment and they should themselves give it back". We didn't not consider this idea as it would have taken ages before the computer had been brought. But we had to work.

Major Pruzan took our papers and went to his head to sign them. But as it turned out that was not the only reason. His deputy, a thin red major, put the computer right on the ground in the corridor and said: "Take it". "We will check it," – I answered. He got surprised: "Why should you do it, it has been stored in our warehouse." "God knows what KGB has done to it" – I objected. Then major found a socket in the corridor and Vitsya switched it on. It really worked and we were satisfied so far. "Let's go to write a receipt," – major asked. I went with him and the guys took the computer into the car. At the end of the receipt, major wanted me to write that I had no claims against the militia. "I do have, — I answered, — let the prosecutor's office deal with you. Did you have any grounds to confiscate my property out of the flat I officially rent." Major withdrew but asked me to wait as Pruzan, his head, had some business to me.

Several minutes later, major Prusan entered. "Now, Alexander Victaravich, — he said and grinned, — I would like to inform you about the unpleasant news – you are ordered to be brought to the Savetski Department of Internal Affairs."

"Oh, Anatol Ivanavich, you fitted me up for it. You should have warned me about it on the phone." – I said ironically. "Don't you know that telephones are bugged?" – he questioned in reply.



Ales BYALATSKI

"What a story about the man who came to take his computer back!" – I thought. We left the Department of Internal Affairs. Pruzan went to warn my friends about this "misfortune" and me, in my turn, together with his red deputy got into militia car and drove to Ya.Kolas Street, 3.

On my way I was thinking about my arrest. Obviously it was initiated neither by major Pruzan nor by head of the Central Department of Internal Affairs. "The seizure operation" had been worked out by higher officials. At that time there was a summit of the Organisation on Security and Cooperation in Europe in Istanbul where A.Lukashenka went "to find a way to Europe". But his officials here couldn't restrain. It turned out that I myself had come to them but they must have been very angry with me as they failed to track me down in the first two weeks after the Freedom March on October 17. And now they decided to pay back.

In the Savetski Department I was registered by a huge, built like a barrel, chief lieutenant. His neighbour, a dark-haired captain recognised me. "All of you are brought here" – he admitted. "Because other Departments don't want to deal with it" – I answered. "We are not to blame" – he started to justify himself openly. I nodded. It was clear that my detention had no connections with the officials from his department.

First I was made sit in the chair in the waiting room. Next to me there was a woman who was chatting all the time. I realised that she was crazy. The woman seemed to be explaining to someone about the real meaning of the Russian bad language. Then I was transferred to the barred cell with narrow cement benches, which were so cold that it was practically impossible to settle on them. There was another man there: a thin man with moustache. As it turned out he got 15 days for insulting his neighbour. This cell is better than closed one because it is aired and it's not so boring in it. From it it's impossible to watch what's going on in the guard-room.

A great deal of people I saw with my own eyes.

Here is a well-built, about 2 metres tall, red-faced man. He got 7 days for breaking the administrative surveillance after the imprisonment. He had a short-leather jacket and stylish shoes on though it was snowing outside. An hour later his wife came – a young tall and huge as a barrel woman. She brought some food. He stands and complains that he has never expected that it would have happened. He'd better not to come for checking. "I've got 2.000 marks estimated goods in the car. Who will make a report? I will be definitely sacked" – he truly complains. I look at his huge fists. His wife hugged him and tries to calm him down but there are tears in her eyes too. The guy attempts to explain his innocence to the militiaman on duty. "I'm an ordinary militiaman, it's not me who sentenced you."

Then three Azerbaijanians were brought. They are likely to be detained for breaking the passport control. Small and active they are lively discussing something in their own language. "You come here only to eat and to...!" – the militiaman on duty shouts at them but not very angrily and sends them to different cells. Suddenly a young blond lady comes to one of them. She brought something to eat. "So, — militiamen on duty joke, — when will you go to your husband's place?" "Never, — she says. There is a war there." "Go, go – chief lieutenant says. – You will strengthen their race." "No, he'd better strengthen mine," – the woman replies. "How long have you known him" — the militiamen asks. "For three years – she says. We would have been married but for Moscow we can't get a passport."

The militiaman gives the food to her boy-friend and the rest of it to the fellow country men in the nearby cell.

(To be continued)

The Right to Freedom. The Bulletin of the Human Rights Centre "Viasna-96". Address: 220013, Minsk, p/b 49. E-mail:Vaisna 96@open.by Published twice a month in Belarusan, English and Russian languages. Circulation 299 copies. Editor-in-Chief Ales BYALATSKY.

In this number pictures by A.Karpovich and photos from the Centre "Viasna-96" archives are used.